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July 20, 2016

The Honorable Judge Frederick J. Scullin, Jr.
Federal Building and U.S. Courthouse
P.O. Box 7255
Syracuse, NY 13261-7255

Re: 1:16-cv-00202-FJS-DEP Plaintiff's Second Letter Motion for Extension of Time within Which to Effectuate Service on John Doe Defendant

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On March 16, 2016, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Time Warner Cable, to obtain the Defendant’s identifying information [CM/ECF 6]. Plaintiff served the subpoena on or about March 18, 2016. Pursuant to the time limits prescribed in the Order, Plaintiff expected to receive ISP’s response on or about May 6, 2016.
3. To date, Plaintiff has not received a response to the subpoena from the ISP. Time Warner informed Plaintiff today, July 20, 2016, that all overdue responses will be released to Plaintiff on August 4, 2016.
4. Pursuant to the Court’s Order entered on May 24, 2016, Plaintiff was required to effectuate service on the Defendant by today, July 20, 2016 [CM/ECF 8].

5. Because Defendant's identity remains unknown to Plaintiff, Plaintiff is unable to comply with the current service deadline.

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended for an additional sixty (60) days, or until September 18, 2016.

7. This extension will allow undersigned sufficient time to receive Defendant's information from the ISP, investigate the information provided, and complete service on Defendant.

8. This motion is made in good faith and not for the purpose of undue delay.

9. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant be extended until September 18, 2016.

Respectfully Submitted,

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